IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

OP.No. 9984 of 2003(L)

PETITIONER:

THE ELAPPULLY SERVICE CO-OPERATIVE
BANK LIMITED, NO.F 1193, REPRESENTED BY TS
SECRETARY, ELAPULLY P.O., PALAKKAD-678 622.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.PRINCE.K.ELIAS
SRI.R.RAJA RAJA VARMA
SMT.M.R.VALSA

RESPONDENTS:
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1. THE LABOUR COURT, KOZHIKODE.

2. S. MADHAVAN, S/O.SUKUMARAN,
RESIDING AT KOLLAMPALLAM, PALLATHERI P.O.,
PALAKKAD-678 07.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.
SRI.P.R.VENKETESH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.17184/03 IN O.P.NO.9984/03

DISMISSED

23.8.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE LETTER ISSUED BY THE BRANCH MANAGER TO THE BANK DT. 28.7.1997.

EXT.P2 : TRUE COPY OF THE LETTER DT. 6.2.1998.

EXT.P3 : TRUE COPY OF THE COMPLAINT DT. 12.10.1999.

EXT.P4 : TRUE COPY OF THE NOTIFICATION DT. 9.9.2002.

EXT.P5 : TRUE COPY OF THE SUMMONS DT. 26.10.2002.

EXT.P6 TRUE COPY OF THE ORDER OF THE FIRST RESPONDENT DT. 29.6.2002.

TGS

KURIAN JOSEPH J.

O.P. NO. 9984 OF 2003

Dated 23rd August, 2007.

J U D G M E N T

Challenge is on Ext.P6 order passed by the Labour Court, Kozhikode in C.P.No.9/98. It is brought to the notice of the court that the Industrial Tribunal, Palakkad has subsequently passed an award regarding disciplinary action in I.A.82/02. The punishment of dismissal has been converted to that of compulsory retirement. It is submitted that the Tribunal has not passed any orders with regard to the period during which the workman was kept under suspension. In view of the award permitting imposition of punishment only of compulsory retirement, Ext.P6 order passed under Section 33C(2) of the Industrial Disputes Act, 1947 does not survive since the order pertains to the regularisation of the period of suspension and also the period the workman claimed to have been on duty. Therefore, this writ petition is disposed of quashing Ext.P6, but without prejudice to the liberty to the workman to approach the Industrial Tribunal itself, if required, for appropriate clarification regarding wages during the disputed period.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. 9984 OF 2003

J U D G M E N T

Dated 23rd August, 2007.